

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.25982 of 2007

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Between:

Khaja Shamshuddin Gazi.

.. Petitioner.

And

A.P.State Civil Supplies Corporation Limited,
rep. by its Vice-Chairman and
Managing Director
and another.

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.. Respondents

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WRIT PETITION No.25982 of 2007

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ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in continuing the petitioner under suspension for such a long time as arbitrary, illegal, contrary to rules and discriminatory, and consequently to direct the respondents to reinstate the petitioner into service forthwith.

2. It appears, the petitioner, while serving as a Technical Assistant Grade-I in A.P.State Civil Supplies Corporation Limited, Siddipet, Medak District, was placed under suspension on 07.03.2006 on certain allegations.

3. Now, the grievance of the petitioner is that though it is more than one year nine months since the impugned proceedings have been issued suspending him from the service, no steps for conducting enquiry have been taken by the respondents, except appointing an enquiry officer in the month of August, 2007. Further, under the Regulations of the APSCSCL Conduct, Discipline and Appeals Regulations, if the suspension of an employee has to be extended beyond six months, the extension order must be obtained from the Managing Director. In this case, the respondents have not obtained such extension order from the Managing Director, though the petitioner

is put under suspension beyond six months i.e., for more than one year nine months.

4. Learned counsel for the petitioner states that as the petitioner is placed under suspension beyond six months, he is entitled to 75% of his salary as the subsistence allowance. In this case, neither there is an extension order from the Managing Director nor 75% of the salary as subsistence allowance is being paid to the petitioner. It is also his contention that when the petitioner asked for certain documents from the respondents, they have not furnished him those documents.

5. In view of the aforementioned facts and circumstances, the 1st respondent is directed to consider if there is any necessity of continuing the petitioner under suspension any further and also consider the payment of 75% of the salary as subsistence allowance to the petitioner immediately from the date of completion of six months of suspension period, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner. Further, the respondents are directed to complete the enquiry within a period of four months from the date of receipt of a copy of this order and, if, for any reason, the enquiry is not completed within four months, they shall reinstate the petitioner into service and proceed with further enquiry as per the law. Further, the petitioner is at liberty to file an application before the respondents enumerating the documents required by him for facing the enquiry, and on filing such an application, the respondents shall provide the xerox copies of those documents to the petitioner, and unless and until the documents are furnished to the petitioner, the enquiry shall not be proceeded further.

6. With the above directions, the writ petition is disposed of. No order as to costs.

(C.V.RAMULU,J)

Dt.06.12.2007

Note: Furnish CC in four days

B/o

v v